

# MINTZ LEVIN

Russell H. Fox | 202 434 7483 | rfox@mintz.com

701 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-434-7300  
202-434-7400 fax  
www.mintz.com

January 7, 2011

## VIA ELECTRONIC FILING IN CG DOCKET NO. 03-123

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: American Network Inc. Annual Report

Dear Ms. Dortch:

Attached, as required by the Federal Communications Commission in its January 7, 2009 Public Notice certifying American Network, Inc. as a provider of Internet Protocol Relay Service (IP Relay), Video Relay Service (VRS), and Internet Protocol Captioned Telephone Relay Service (IP CTS),<sup>1/</sup> is the annual report of American Network certifying compliance with the provisions of Section 64.604 of the rules of the Commission. Please contact the undersigned with any questions or requests for additional information.

Respectfully submitted,

*/s/ Russell H. Fox*

Russell H. Fox

Attachment

cc: Thomas Chandler (via e-mail)  
Gregory Hlibok (via e-mail)  
Kent Charugundla (via e-mail)

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<sup>1/</sup> Notice of Certification of American Network as a Provider of Internet Protocol Relay Service (IP Relay), Video Relay Service (VRS), Internet Protocol Captioned Telephone Relay Service (IP CTS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund, CG Docket No. 03-123, Public Notice, 24 FCC Rcd. 80, n.11 (2009).

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

BOSTON | WASHINGTON | NEW YORK | STAMFORD | LOS ANGELES | PALO ALTO | SAN DIEGO | LONDON

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for	)	
Individuals with Hearing and Speech	)	
Disabilities	)	CG Docket No. 03-123
	)	
Annual Certification of American	)	
Network, Inc.	)	

To: Chief, Consumer and Governmental Affairs Bureau

**ANNUAL REPORT OF AMERICAN NETWORK, INC.**

Pursuant to Section 64.606(g) of the rules and regulations of the Federal Communications Commission (“FCC” or “Commission”)<sup>1/</sup> and the direction provided by the Commission in its Public Notice issued January 7, 2009<sup>2/</sup> American Network, Inc. (“ANI”) hereby submits its annual report certifying compliance with the provisions of Section 64.604 of the rules.

**I. UPDATE TO APPLICATION-BASED PRESUMPTIONS**

The following supplies the FCC with updated information, as appropriate, regarding the provisions of the FCC’s rules with which ANI is obligated to comply as a provider of Video Relay Service (“VRS”), Internet-Protocol (“IP”) Relay and IP Captioned Telephone Service (“IP-CTS”) service.

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<sup>1/</sup> 47 C.F.R. § 64.606(g) (2008).

<sup>2/</sup> *Notice of Certification of American Network as a Provider of Internet Protocol Relay Service (IP Relay), Video Relay Service (VRS), Internet Protocol Captioned Telephone Relay Service (IP CTS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, CG Docket No. 03-123, Public Notice, 24 FCC Rcd. 80, n.11 (2009) (requiring American Network to submit an annual report each year by January 7th “evidencing that they are in compliance with Section 64.604”).

## **A. Operational Standards**

### **1. Communications Assistants – 64.604(a)(1)**

ANI has entered into various agreements with third parties who provide ANI's customers with VRS, IP Relay, and IP-CTS services. ANI also employs its own Communications Assistants ("CAs") to provide customers IP-CTS services. ANI retains strict controls over the services provided by its CAs and the CAs employed by its contractors to ensure that they conform to the FCC's rules. As required by the rules, the CAs employed by ANI directly and those used by its contractors are qualified, skilled and trained, providing, where required, a typing speed of at least 60 words per minute. CAs stay with calls for the required period. ANI assures that its CAs and those employed by its contractors make their best efforts to accommodate a user's requested CA gender where applicable.

### **2. Confidentiality and Conversation Content – 64.604(a)(2)**

ANI ensures, through training and supervision, that its CAs and the CAs employed by its contractors adhere to the obligations established by Section 64.404(a)(2) of the rules regarding confidentiality and conversation content.

### **3. Types of Calls -- 64.604(a)(3)**

Consistent with regulatory obligations, ANI, through its CAs and the CAs employed by its contractors, does not refuse calls or limit the length of calls. All calls, including long distance calls, are completed without charge to the consumer. While ANI does not handle (directly or through its contractors) the types of calls that have been waived by the FCC, the company will make reasonable efforts to address the technological issues that prompted the waivers and will handle those types of calls when those waivers expire or seek a further waiver of the obligation to handle those calls.

**Voice Mail and Interactive Menus** -- ANI CAs (directly and through the CAs employed by its contractors) inform users of the presence of any recorded messages and relay or caption information conveyed by the recording. Similarly, CAs inform callers of any interactive menus that may be encountered in placing a call or caption and assist callers depending on the service, in working through the menu to route their call to the preferred location or retrieve the information they want. CAs also assist users in leaving voice messages on voice mail systems for IP-Relay and VRS.

#### **4. Handling of Emergency Calls -- 64.604(a)(4)**

While Section 64.604(a)(4) does not apply to IP-based TRS providers, Section 64.605 does. ANI passes any emergency calls using its VRS, IP Relay and IP-CTS systems to the appropriate public safety answering point (“PSAP”) with automatic number identification, the caller’s registered location, information indicating that the call is being placed by ANI, and the CA’s identification number. All VRS and IP Relay 911 calls are routed through the use of automatic number identification and, if necessary pseudo-automatic number identification, by ANI’s interexchange service provider using the carrier’s dedicated wireline E911 network. ANI complies with the 911 call handling requirements with respect to IP-CTS emergency calls, to the extent required by the FCC’s rules and decisions and as technically feasible.

ANI, and its contractors have implemented a system to prioritize emergency calls so that they are answered before non-emergency calls. ANI ensures that its CAs (employed by it, and its contractors) are trained to request the caller’s name and location at the beginning of any emergency call, except where the caller’s registered location information is already on file with ANI. In the event one or both legs of an emergency call is disconnected, ANI ensures that those CAs are trained to re-establish the call by contacting the calling party, the PSAP, or both.

Information obtained by ANI as a result of assisting with an emergency call is used only for emergency or law enforcement purposes.

**5. STS Called Numbers -- 64.604(a)(5)**

The Commission has waived these requirements for VRS, IP Relay, and IP-CTS services provided by ANI and others. At such time as it may become possible for this waiver to be lifted, ANI expects to comply with any established requirement.

**B. Technical Standards**

**1. ASCII and Baudot -- 64.604(b)(1)**

The ASCII and Baudot communication requirement contained in this rule is waived for VRS and IP-CTS. This requirement is not relevant to ANI's IP Relay Service because it uses Internet protocol and is therefore not capable of communicating with TTY equipment using ASCII and Baudot format at any speed generally in use.

**2. Speed of Answer -- 64.604(b)(2)**

ANI's CAs and those employed by its contractors meet or exceed the speed of answer requirements of this section. ANI, and its contractors continually measure speed of answer, with regular reports to system management. Sufficient work stations are available and sufficient CAs are scheduled at all times to ensure callers are not faced with lengthy waits for service.

**3. Equal Access to Interexchange Carriers -- 64.604(b)(3)**

The requirements of this provision of the regulations have been waived for VRS, IP Relay Service, and IP-CTS providers provided that they provide free long distance service to end users. ANI provides such free long distance and is therefore not obligated to comply with this regulation.

**4. TRS Facilities -- Continuous Operations -- 64.604(b)(4)**

ANI maintains continuous operation of its VRS, IP Relay Services, and IP-CTS facilities, accepting calls twenty-four hours a day, seven days a week. System redundancy features and uninterruptible power supply provisioning as per industry practices ensure that technical problems do not impede the availability of services.

**5. Technology -- 64.604(b)(5)**

The requirement is not applicable to ANI because SS7 technology is not compatible with the services offered.

**6. Caller ID -- 64.604(b)(6)**

For its VRS and IP-CTS services ANI transmits caller ID information to the public network. Current technology does not permit ANI to transmit caller ID information to the public network using its IP-Relay service. When future technology reasonably permits, ANI will transmit caller ID information to the public network using its IP-Relay service.

**C. Functional Standards**

**1. Complaint Log -- 64.604(c)(1)**

As required by this section of the regulations, ANI maintains a continuous log of any consumer complaints received, with information on the date of the complaint, description of the complaint, the resolution, and the date resolved. Separate logs are kept for each service provided (VRS, IP-CTS, and IP-Relay). As required, a report of the number of complaints received has been, and will continue to be, provided to the FCC each July first.

**2. Contact Person -- 64.604(c)(2)**

The designated TRS contact for ANI is, as described in the FCC's database ([http://www.fcc.gov/cgb/dro/trs\\_providers.html](http://www.fcc.gov/cgb/dro/trs_providers.html)):

Sharad Shah  
American Network, Inc.  
142 East 39th Street  
New York, NY 10016  
Voice: 212-990-3020  
Fax: 212-758-3453  
[sshah@american.net](mailto:sshah@american.net)

**3. Public Access to Information and Consumer Outreach -- 64.604(c)(3)**

ANI ensures that potential users are made aware of its services through its websites ([www.phonecaption.com](http://www.phonecaption.com), [www.freerelay.com](http://www.freerelay.com), [www.american.net](http://www.american.net), [www.dialaroundvrs.com](http://www.dialaroundvrs.com), [www.dialaroundrelay.com](http://www.dialaroundrelay.com), [www.freecaptioncall.com](http://www.freecaptioncall.com), [www.ipcaptionphone.com](http://www.ipcaptionphone.com), and [www.americanvrs.com](http://www.americanvrs.com)), advertising, consumer trade show presentations, meetings with user communities, distribution of informational materials, direct mailing to consumers, online communication, and other promotional methods.

**4. Rates -- 64.604(c)(4)**

ANI does not assess any charge to users of its VRS, IP-CTS, and IP Relay Services, even for calls that are long distance.

**5. Jurisdictional Separation of Costs -- 64.604(c)(5)**

Because of technical difficulty in identifying the interstate or intrastate jurisdiction of VRS, IP-CTS, and IP Relay Services calls, each service is currently reimbursed from the Interstate TRS Fund. At such time as the FCC may determine that it is possible to jurisdictionally separate costs for VRS, IP-CTS, and IP Relay Services, ANI will comply with cost separation instructions contained in this provision of the regulations and otherwise established by the Commission.

## **6. Complaints -- 64.604(c)(6)**

ANI's user complaint procedures are described below and the company maintains a complaint log and submits a summary to the Commission each July 1st. ANI understands that complaints about its VRS, IP-CTS, and IP Relay Services may also be filed directly with the FCC, and the company will cooperate fully in any investigation or other procedure the Commission may undertake to resolve complaints it may receive about ANI's services.

American Network provides for consumer complaints through an e-mail to the company. CAs are trained to direct consumers to submit complaints via e-mail (and in the future to the web-based complaint portal) or to the compliance officer or a designee. The compliance officer or designee regularly monitors the complaint e-mail address (and in the future the web-based complaint facility) to ensure complaints are responded to promptly. Complaints beyond the ability of the compliance officer or designee to resolve are escalated to a higher level officer at the company. Complainants are also informed, as part of the response to any complaint, that they may contact a designated higher level company official or the FCC if they are dissatisfied with the response.

In American Network's experience, many matters and questions – particularly technical questions – that might otherwise result in a consumer complaint can be resolved by provision of timely information. Accordingly, American Network provides a variety of on-line support resources, including a comprehensive “frequently asked questions” page, to provide consumers with immediate resolution to many questions or problems.



**7. Confidential Treatment of TRS Customer Information --  
64.604(c)(7)**

All customer information about users of ANI's VRS, IP-CTS, and IP Relay Services is treated confidentially and is not sold, distributed, shared, or revealed in any way by ANI or any of its employees, unless compelled to do so by lawful order.

**D. Other Requirements**

**1. Notification of Substantive Changes -- 64.605(f)**

Through a series of letters from its counsel, ANI notified the FCC that it intended to briefly suspend its provision of VRS<sup>3/</sup> and would notify the FCC of any other substantive changes to its VRS, IP-CTS, and IP Relay Services within 60 days of when any such changes occur. American Network will, at the time any such notification is made, also certify that the company's VRS, IP-CTS, and IP Relay Services continue to meet minimum federal standards after implementing the substantive change.

ANI made one non-substantive change in its provision of IP-CTS. In particular, beginning in August 2010, ANI began to offer IP-CTS using IP telephones, such as Cisco model numbers 7940/7960. For a user to employ this service, he or she obtains a ten-digit number from ANI and purchases an IP telephone from a third party vendor or ANI. The telephone displays captions during incoming and outgoing telephone calls which are sent by the CA, meaning that users are not required to use a computer to read captioning. Users' ten-digit numbers are provided to a PSAP in the event of an emergency. Because ANI is already authorized to offer IP-CTS, ANI's provision of IP-CTS in another, already approved format, is not considered a substantive change under Section 64.605(f) of the FCC's rules.

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<sup>3/</sup> See, letters from Russell H. Fox, Esq. to Marlene H. Dortch, April 5, 2010, July 1, 2010, July 30, 2010.

Finally, in order to ensure that the FCC's records are accurate, the Commission will note that ANI is providing Spanish language IP-CTS. On November 17, 2009, ANI notified the FCC that it would begin to provide Spanish language IP-CTS, IP Relay and VRS services.<sup>4/</sup> However, it has only initiated Spanish language IP-CTS service.

## **2. Annual Reports -- 64.605(g)**

As it has here, ANI will continue to provide the FCC with annual compliance reports on its VRS, IP-CTS, and IP Relay Services, transmitting such information as the Commission may require for such reports.

## **3. Other**

American Network meets or exceeds any and all other standards for VRS, IP-CTS, and IP Relay Services that have been established by the FCC and will meet any additional standards that may be set by the FCC in the future.

# **II. ADDITIONAL OBLIGATIONS IMPOSED POST-APPLICATION**

## **A. Emergency Call Handling Requirements**

See Section I(A)(4), above.

## **B. Customer Registration**

### **1. Designation as Default Provider and Number Assignment -- 64.611**

ANI provides VRS and IP Relay users the opportunity to register, at the web sites noted in Section I(C)(3) of this Report, as their "default provider," pursuant to which ANI will either facilitate the user's valid number porting request or assign, consistent with the FCC's rules and decisions, the user a geographically appropriate North American Numbering Plan ("NANP") number. Thereafter, ANI will route and deliver all of the user's inbound and outbound calls,

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<sup>4/</sup> See letter from Russell H. Fox, Esq. to Marlene H. Dortch, November 17, 2009.

unless the user chooses to place a call with, or receives a call through an alternate VRS provider. ANI will not assign a proxy or alias for a NANP telephone number to any user.

As the default provider for its VRS and IP Relay customers, ANI obtains from users current routing information, including IP addresses or domain names and user names, and provisions that information in internal databases and the TRS Numbering Directory (Neustar's iTRS ENUM database). ANI provisions routing information to the TRS Numbering Directory only for those users for which it has been designated the default provider. ANI queries the TRS Numbering Directory to obtain accurate routing information for all VRS and IP Relay users.

## **2. Registered Location Information -- 64.605(b)(4)**

Prior to initiation of service, ANI obtains from each registered user of its VRS, IP Relay and IP-CTS services the physical location at which the service will first be used. Users are informed of the importance of updating their registered location. ANI users can easily update their registered location information via an e-mail to the company (and ultimately through a portal on the company's website).

## **3. User Notification and Acknowledgement -- 64.611(f)**

ANI maintains information on its website and in its promotional materials that addresses the following issues: (1) the process for obtaining a ten-digit number from ANI; (2) the portability of ten-digit numbers assigned to VRS, IP Relay users and IP-CTS; (3) the process for submitting, updating, and confirming receipt by ANI of registered location information; and (4) an explanation emphasizing the importance of maintaining accurate, up-to-date registered location information in the event the user needs to place an emergency call using ANI VRS. ANI obtains and keeps a record of affirmative acknowledgement by every Registered Internet-based TRS User of having received and understood this advisory.

### **III. Conclusion**

As demonstrated above, ANI continues to comply with all of the regulatory requirements applicable to its provision of VRS, IP-CTS and IP Relay Services.

Respectfully Submitted,

*/s/ Russell H. Fox*

Sharad Shah  
General Manager  
American Network, Inc.  
142 East 39th Street  
New York, NY 10016  
212-990-3020  
[sshah@american.net](mailto:sshah@american.net)

Russell H. Fox  
Ernest C. Cooper  
Mintz, Levin, Cohn, Ferris, Glovsky  
and Popeo, P.C.  
701 Pennsylvania Avenue NW, Suite 900  
Washington, DC 20004  
202-434-7300  
[rfox@mintz.com](mailto:rfox@mintz.com)  
[eccooper@mintz.com](mailto:eccooper@mintz.com)

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